

DETAILED ACTION

Election/Restrictions

1. Newly submitted claims 1 and 12 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: Original claims 1 and 12 are directed to a game machine with a gaming machine illuminating arrangement comprising of a light diffusing element and a panel carrying gaming machine artwork (class 463/30). Newly submitted claims 1 and 12 are directed to a gaming machine illuminating arrangement with a controller arranged to determine whether the gaming machine is in an idle state, and to illuminate the semiconductor illuminating elements in a sequential pattern when the gaming machine is in the idle state such that the panel changes from a first color to a second color (class 463/24).

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 1 and 12 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. Claims 1-6 and 8-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaminkow et al. ("Kaminkow") US Patent 6,656,041, **and further in view of Okada US Pub. No. 2004/0209672.**

4. Claims 1,8-9 and 11: Kaminkow teaches a gaming machine having a chamber (Fig 1 El. 58), a panel carrying gaming machine artwork (El. 70 Par 4 lines 22-26), a light diffusing element (Par 4 lines 18-21) and a gaming machine illuminating arrangement comprising a carrier (Fig 3 El. 68) and a plurality of semiconductor illuminating elements arranged in a predetermined array on the carrier (Par 4. lines 58-66). Further comprising a controlling means for controlling operation of the illuminating arrangement (Par 4. lines 58-64).

5. Kaminkow does not specifically disclose that the light-diffusing element can be arranged on an opposed side of the chamber in spaced relationship relative to the panel.

6. **Okada teaches of gaming system with a display device arranged in the belly of the gaming system comprising a panel carrying artwork on one side and a light-diffusing panel on a different side of the game's chamber. An illuminating**

member is placed between the artwork panel and the light diffuser to make an arrangement that provides a backlighting feature to the system (Par 86, fig 1, fig 36).

7. Kaminkow motivated that number of arrangement modifications could be made to the design (Par. 5 lines 55-66). Therefore it would have been obvious to one of ordinary skill in the art to incorporate Okada's teaching of the illuminating arrangement to further provide backlighting to the system since it has been held that rearranging parts of an invention involves only routine skill in the art. See In re Japikse, 86 USPQ 70.

8. Claims 3-4: Kaminkow teaches that the semiconductor illuminating elements are in the form of light emitting diodes (LEDs) where in the arrangement is a sequence of repeating groups (Par 4. lines 58-64, Fig 3).

9. Claims 5-6: Kaminkow teaches that the group comprises a predetermined number of differently colored LEDs in which the colors may correspond to various colors (Par 4 line 67 – Par 5 line 2). Kaminkow did not teach the colors, specifically, to be primary colors. However, it is a matter of design choice to have the LED's to have only primary colors. Such method is extremely old in the gaming art since by having only primary colors one can generate the other colors through the combination of primary colors. However, if applicant wishes to contend this official notice position, applicant should respectfully consider Paulsen et al US 2006/0121967 par. 6 before filing a next response to the office.

10. Claim 10: wherein the chamber defining means is arranged in a top box of the gaming machine (Kaminkow Fig 1)

11. Claim 11: Even though this claim is rejected above using Okada, Applicant should respectfully further note here that the word “belly” is extremely broad and thus is subject to the broadest-reasonable interpretation. For example, a definition of “belly” found in the dictionary of <http://encarta.msn.com> states that the belly is the “the interior cavity of a structure”. Thus, using this interpretation Kaminkow Fig 1 el. 58 teaches would still read on this feature.

12. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kaminkow in further view of Okada. Kaminkow fail to specifically show that the carrier comprises of a strip of printed circuit board (PCB) carrying conductive traces for connecting the illuminating elements to a control means for supplying electrical power to the PCB, the control means being part of a controller of the gaming machine. However, as previously acquiesced by the applicant, It is well known in the art to use PCB boards to mount and control LED displays. For example, see Chaudhry, US 4,363,486, which shows this feature to be old (Par. 1 line 59 – Par. 2 line 12). It is also well known to use LED's to display information on many type of devices, displaying color pictures, text, flashing lights etc.

13. Claims 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaminkow et al. (“Kaminkow”) US Patent 6,656,041, and further in view of Lang US Patent 4,714,983.

14. **Claims 12-13: Kaminkow teaches a gaming machine comprising: a chamber-defining portion that defines a chamber (Fig 1 El. 58); a panel carrying gaming-machine artwork arranged on one side of the chamber (El. 70 Par 4 lines 22-26); a light-diffusing element (Par 4 lines 18-21), a plurality of semiconductor illuminating elements arranged in a repeating sequence of groups (Par 4. lines 58-66), each of the groups comprising semiconductor illuminating elements operable to emit light of different colors (Par 4 line 67 – Par 5 line 2).**

15. **Kaminkow fails to teach the light-diffusing element *arranged on an opposed side of the chamber in spaced relationship relative to the panel; and a gaming machine illuminating arrangement arranged in the chamber between the panel and the light diffusing element, wherein the gaming machine illuminating arrangement is operable to provide backlighting for the panel.***

16. **Lang teaches a display device with a panel carrying artwork on one side and a light-diffusing panel on a different side of the game's chamber. An illuminating member is placed between the artwork panel and the light diffuser to make an arrangement that provides a backlighting feature to the system (col 3:57-col 4:24). A controller independently controls the light sources (fig 2).**

17. **Kaminkow motivated that number of arrangement modifications could be made to the design (Par. 5 lines 55-66). Therefore it would have been obvious to one of ordinary skill in the art to incorporate Lang's teaching of the illuminating arrangement since it has been held that rearranging parts of an invention involves only routine skill in the art. See In re Japikse, 86 USPQ 70.**

18. Kaminkow teaches that the semiconductor illuminating elements are in the form of light emitting diodes (LEDs) where in the arrangement is a sequence of repeating groups (Par 4. lines 58-64, Fig 3).

19. Kaminkow teaches a controller operable to independently control semiconductor illuminating elements within the groups (Par 4. lines 58-64).

Examiner's Note

Since applicant did not traverse the examiner's assertion of the following well known in the art statements, the following statements are now been taken to be admitted prior art (See MPEP 2144 Part 3)

- a. To use PCB boards to mount and control LED displays
- b. To use LED's to display information on many type of devices, displaying color pictures, text, flashing lights

Pertinent Prior Art

Satoh et al. US 6,811,273 B2 teaches illumination unit for reels of slot machine.

Response to Arguments

Applicant's arguments filed 7/16/07 have been considered but are moot in view of the new ground(s) of rejection. Please see newly added and highlighted paragraphs above.

Response to Arguments

20. Applicant's arguments filed 2/1/08, in regards to claims 1-11, have been fully considered but they are not persuasive.

21. On page 7, applicant argues, "there is no teaching in Okada of a light-diffusing element arranged on an opposed side of a chamber in spaced relationship relative to a panel carrying gaming machine artwork, wherein a gaming machine illuminating arrangement arranged in the chamber between the panel and the light diffusing element is operable to provide backlighting for the panel. Thus, neither Kaminkow nor Okada, whether considered separately or in a hypothetical combination, teaches all the elements of claim 1 of the present application."

22. The examiner respectfully disagrees. As shown above, Okada teaches a display arrangement comprising of an illuminating member placed between an artwork panel and a light diffuser to make an arrangement that provides a backlighting feature to the display system. This arrangement, taught by Okada, is what the examiner is relying on for the combination made above. Please see par 6 above and Okada fig 36.

23. On pages 7-8, applicant argues, "The applicant also notes that no particular reasons have been given as to why one skilled in the art would modify the arrangement of Kaminkow using the apparatus of Okada. The office action refers to column 5 lines 55-66 of Kaminkow. However, the cited passage is merely a general statement that modifications and variations may be made to the described arrangement. There is no particular teaching or suggestion of or motivation for any specific variations or the desirability of any variation. It is submitted that this boilerplate statement does not provide any reason as to why a skilled person would seek to combine Kaminkow and Okada."

24. The examiner respectfully disagrees. Please see par 7 under the *DETAILED ACTION*. In col 5:55-66, Kaminkow teaches that the invention is not limited to the arrangement for the display system shown in the embodiments. Okada teaches a

different arrangement for a display system. Thus it would have been obvious to one of ordinary skill in the art to combine Okada's teachings with Kaminkow as shown above.

Rearranging parts of an invention involves only routine skill in the art.

25. On page 8, applicant argues, "The applicant also notes that claim 1 of the present application specifies that a plurality of semiconductor illuminating arrangements are arranged in a predetermined array on a carrier. It is submitted that the light bulbs 98 shown in Fig. 3 of Kaminkow are not arranged in an array. Instead, the light bulbs are arranged around the periphery of a mechanical blower mechanism 66."

26. The examiner respectfully disagrees. Please see fig 3 el. 68 and Par 4. lines 58-66 of Kaminkow.

27. On page 8, applicant argues, "The office action asserts on page 3 paragraph 8 that Kaminkow teaches that the illuminating arrangement is a sequence of repeating groups. The applicant has carefully reviewed the cited portions of Kaminkow, but can detect no teaching or suggestion of illuminating elements being arranged in "repeating groups."

28. Please see Par 4. lines 58-64 and Fig 3 of Kaminkow.

Response to Arguments

29. Applicant's arguments filed 12/12/08 have been fully considered but they are not persuasive.

30. On page 6, applicant argues, "the fact that Kaminkow considers only a single panel that also acts to diffuse light indicates that Kaminkow teaches away from anything being put in the single panel. That is, Kaminkow teaches away from a "gaming machine" that includes, among other things, "a light- diffusing element arranged on an opposed side of the chamber in spaced relationship relative to the panel," and "a

gaming machine illuminating arrangement arranged in the chamber between the panel and the light diffusing element," as recited in claim 1."

31. The examiner respectfully disagrees. Kaminkow is directed to a device for emulating a storm associated with a gaming machine. Modifying Kaminkow as shown above does not teach away in any sense. Kaminkow never mentioned that the said limitations won't work or should not be tried.

32. On page 9, applicant argues, "(Col. 3, line 57 - col. 4, line 24) Lang, according to the quotation, does not teach or suggest "a panel carrying gaming machine artwork arranged on one side of the chamber," as asserted by the Examiner"

33. The examiner respectfully disagrees. Please see Lang's (fig 2, **col 3:57-col 4:24**).

34. On pages 9-12, applicant argues, "Applicants dispute the Examiner's assertions that "[r]earranging parts of an invention involves only routine skill in the art." (Page 8, Action.) Because Kanimkow clearly does not disclose or suggest "a panel carrying gaming-machine artwork arranged on one side of the chamber," "a light-diffusing element arranged on an opposed side of the chamber in spaced relationship relative to the panel," and, "a gaming machine illuminating arrangement arranged in the chamber between the panel and the light diffusing element," as recited, Applicants can only assume that the Office Action is taking Official Notice of the subject matter disclosed in claims 1 and 12 regarding the rearranging parts such as the claimed "panel" and "light-diffusing element" of Kaminkow involves only routine skill in the art."

35. However, as shown in the final office action dated 6/12/08, examiner pointed out that Kaminkow fails to show the arrangement of the light diffusing element with respect to the panel as set out in the claim language (see par 5). In par 6 of the said action, examiner showed with support that such arrangement is well known in the art. Thus, to make modifications to Kaminkow by rearranging the elements would have been obvious to one of ordinary skill in the art since it has been held that rearranging parts of an invention involves only routine skill in the art.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to EMMANUEL OMOTOSHO whose telephone number is (571)272-3106. The examiner can normally be reached on m-f 10-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on (571) 272-4690. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

EO

/Ronald Laneau/

Primary Examiner, Art Unit 3714

02/27/09